

tions resulted in the segregation of approximately 900 pounds of poultry which were fit for consumption. The remainder (131 pounds) was denatured and delivered to a fat rendering company.

### MISCELLANEOUS FOODS

16598. Adulteration of fountain preparations (black walnut frappe, Coco-Pronto, crushed cherries, and walnut sundae). U. S. v. J. Hungerford Smith Co. Plea of nolo contendere. Fine, \$800. (F. D. C. No. 29168. Sample Nos. 2147-K, 14724-K, 68990-K, 69466-K, 77003-K.)

INFORMATION FILED: July 21, 1950, Western District of New York, against J. Hungerford Smith Co., a corporation, Rochester, N. Y.

ALLEGED SHIPMENT: On or about October 24 and December 27 and 28, 1949, and January 18, 1950, from the State of New York into the District of Columbia and the States of Indiana, Pennsylvania, and Missouri.

LABEL, IN PART: "J. Hungerford Smith's Cream-Pak Brand Black Walnut Frappe [or "Coco-Pronto for making Hot Cocoa," "Walnut Sundae," or "Crushed Cherries"] J. Hungerford Smith Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 14, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$800.

16599. Misbranding of gelatin dessert. U. S. v. 15 Cases \* \* \*. (F. D. C. No. 29403. Sample No. 67510-K.)

LABEL FILED: July 17, 1950, District of Maryland.

ALLEGED SHIPMENT: On or about May 29, 1950, by the Vernon Food Corp., from Mount Vernon, N. Y.

PRODUCT: 15 cases, each containing 48 3-ounce packages, of gelatin dessert at Baltimore, Md.

LABEL, IN PART: (Package) "Vitamin Enriched Tic Toc True Fruit Strictly Kosher Grape [or "Pineapple," "Raspberry," "Cherry," or "Strawberry"] Flavor Gelatin Dessert."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "True Fruit Grape Flavor [or "Strawberry," "Cherry," "Raspberry," or "Pineapple"]," together with a vignette of bunches of grapes (or strawberries, cherries, raspberries, or pineapples) and the statements "The Flavor of the Fresh Fruit Itself \* \* \* contains only true fruit flavors captured from the fresh fruit itself \* \* \* Delicious as the fresh fruit itself," were false and misleading as applied to the article, which was artificially flavored; and the label statement "Vitamin Enriched" was false and misleading since it implied the addition of other vitamins than vitamin B<sub>1</sub>.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirement for vitamin B<sub>1</sub> supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: August 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.